

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEGAN BYFIELD,

Plaintiff,

-v.-

NEW YORK CITY DEPARTMENT OF EDUCATION
(NYCDOE),

Defendant.

22 Civ. 5869 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

Based upon recent correspondence from Plaintiff, the Court believes that she is trying to respond to Defendant's pending motion to dismiss with an amended pleading. Given that, the Court orders the following: (i) Defendant's motion is denied without prejudice to its refileing at a later date; and (ii) Plaintiff is directed to file a third amended complaint on or before **May 31, 2023**.

Plaintiff is advised that this third amended complaint will be the only pleading the Court considers going forward. In other words, the third amended complaint will replace all prior pleadings and will not be considered as a supplement to any prior pleadings, proposed pleadings, or other documents such as the "Recompense" filed at docket number 44. Instead, the Court expects that Plaintiff will file a single document outlining every one of her allegations and claims. The Court will not accept prior pleadings attached as exhibits or incorporated by reference to the third amended complaint.

The Court also writes to advise Plaintiff that this is likely her final opportunity to submit an amended pleading pursuant to Federal Rule of Civil Procedure 15,

and that she should be sure to include every allegation and claim she wishes to pursue. If Defendant moves to dismiss the third amended complaint, Plaintiff will be given a separate opportunity to directly address those arguments in an opposition brief, but will not be permitted to file a new complaint in response.

Defendant is directed to advise the Court of its proposed next steps on or before **June 14, 2023**. To the extent Defendant wishes to again move to dismiss the complaint, it need not file a pre-motion letter.

The Clerk of Court is directed to terminate the pending motion at docket number 42.

SO ORDERED.

Dated: May 12, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge